

THE CONCEPT OF “*NO - CONFIDENCE MOTION*” IN INDIA WITH REFERENCE TO THE POLITICAL INSTANCE OF THE PARLIAMENT MONSOON SESSION 2018

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“The Best way to predict the future is to create it”- Abraham Lincoln

The present Article seeks to reflect back on the “*No Confidence Motions*” of the past as well as to explain to the readers the entire concept behind the motion and also discusses the recent political gimmick which took place in the Monsoon Session 2018. What is a “*No- Confidence Motion*”? Why is it called so? Well let’s begin with understanding the concept of a “*No Confidence Motion*”.

Motion of no-confidence (no-confidence motion) is a statement or vote which states that a person(s) in a position of responsibility (government, managerial, etc.) is no longer deemed fit to hold that position, perhaps because they are inadequate in some respect, are failing to carry out obligations, or are making decisions that other members feel detrimental. As a parliamentary motion, it demonstrates to the head of state that the elected parliament no longer has confidence in (one or more members of) the appointed government. A no-confidence motion is an attempt, usually by an Opposition party, to get the government of the day to prove its majority on the floor of the House. The motion can only be moved by a member in the Lok Sabha, and, once moved, it offers MP’s an opportunity to discuss the government’s performance, before voting on whether the ruling party has the “confidence” of the House. A no-confidence motion is slightly different from a motion of confidence, or trust vote, which is moved by the government, as an ordinary motion under Rule 184. A government can prove its majority by moving a confidence motion as a counter to the opposition parties.

Once the notice is received and considered to be in order, the Speaker reads out the motion. If more than 50 members of Parliament are in favor of it, the Speaker will allot a date and time to discuss the motion. The Speaker has to put forth every question necessary that will help the House in determining its decision and may also allot a time limit for speeches. On the day of the motion being taken up, members of the Lok Sabha have an opportunity to present their views on the performance of the government. Once that is concluded, the members vote on the motion. For it to remain in power, the

ruling government will have to prove its majority on the floor, meaning it will need at least 273 votes if all members are present. The Prime Minister and Council of Ministers can only hold office if they have the confidence of the Lok Sabha. If they fail to do so, then they are obliged to resign. The Prime Minister may also suggest dissolving the House before the vote on either a confidence or a no-confidence motion. There are a number of variations in this procedure in parliaments. In some countries a motion of no confidence can be directed at the government collectively or at any individual member, including the prime minister. In Spain it is presented by the prime minister after consultation. Sometimes motions of no confidence are proposed even though they have no likelihood of passage, simply to pressure a government or to embarrass its own critics, who may for political reasons decide not to vote against it. In many parliamentary democracies, strict time limits exist as to the proposal of a no confidence motion, with a vote only allowed once every three, four or six months. Thus the timing of a motion of no confidence is a matter of political judgment; using a motion of no confidence on a relatively trivial matter may prove counterproductive if a more important issue suddenly arises which warrants a motion of no confidence, because a motion cannot be proposed if one had been voted on recently. Sometimes, the government will choose to declare that one of its bills is a "motion of confidence" in order to prevent dissident members of parliament from voting against it. In India, a motion of no confidence can be introduced only in the Lok Sabha. The motion is admitted for discussion when a minimum of 50 members of the house support the motion. If the motion carries, the House debates and votes on the motion. If a majority of the members of the house vote in favour of the motion, the motion is passed and the Government is bound to vacate the office. Acharya Kripalani moved the first-ever no confidence motion on the floor of the Lok Sabha in August 1963, immediately after the disastrous India–China War. As of **July 2018, 27 no-confidence motions** have been moved. Prime Minister Indira Gandhi faced the most number of no-confidence motions – 15 times, followed by Lal Bahadur Shastri and Narasimha Rao (thrice each), Morarji Desai (twice) and Jawahar Lal Nehru, Rajiv Gandhi, Atal Bihari Vajpayee and Narendra Modi (once each). All the no-confidence motions have been defeated except when Prime Minister Morarji Desai resigned during the discussions on 12 July 1979 and most recently no-confidence motion against Narendra Modi's (BJP) government was accepted by the lok sabha speaker, but was defeated.¹

¹ <<https://www.hindustantimes.com/delhi-news/history-gives-congress-a-slight-margin-60-40/story-ykttDlla1f8TmOSpiWUuij.html>> accessed on 24 July 2018.

With the Anti-defection law, the vote of no-confidence has no relevance left in case the majority party has an absolute majority in the House. If the majority party (with an absolute majority in the House) issues a whip to party members to vote in favor of the Government, then it is impossible to remove the Government by a no-confidence motion. Hence the no-confidence exercise of House merely becomes the no-confidence exercise of the Party. The concept was first used outside India in West Germany but today too it is used in countries such as Spain, Hungary, Israel, Poland, Belgium, among others. The peculiar and unique feature of the motion of confidence allows a Parliament to withdraw confidence from the head of any government only if there is positive majority for the prospective successor. The principle intends to ensure that a replacement head of government has enough parliamentary support to govern in case a government falls.² After understanding the entire concept of no-confidence motion; let us now understand the history of the no-confidence motion.

❖ Historical Aspect:

- The ***First no-confidence motion*** was moved during the third Lok Sabha in **1963** when Jawaharlal Nehru was the Prime Minister. The motion was moved by former Congress and Praja Socialist Party leader Acharya J B Kripalani. The motion, moved by 40 MPs was debated for 21 hours and lasted four days. Nehru successfully managed to defeat the motion.
- The ***second no-confidence motion*** took place in **1964**. An Independent MP N C Chatterjee moved the no-confidence motion against Prime Minister Lal Bahadur Shastri.
- From **1964-75**, Lok Sabha saw a slew of a no-confidence motions, as many as 15. Among those, three were moved against ex-PM Shastri. Twelve no-confidence motions were moved against former PM Indira Gandhi. She went on to face three more confidence motions between **1981 and 1982**. She had won all the trust votes thanks to the numbers her government had.
- In **1979**, Y B Chavan had moved a no-confidence motion against the government headed by Prime Minister Morarji Desai. Desai had resigned and this became the first no-confidence motion that led to fall of the government.

² <<https://www.dailyo.in/variety/no-confidence-motion-rahul-gandhi-narendra-modi-opposition-unity/story/1/25634.html>> accessed on 25 July 2018.

- Former Prime Minister Rajiv Gandhi had faced a no-confidence motion in **1987** which he managed to defeat because of the overwhelming majority.
- Jaswant Singh had moved a no-confidence motion against P V Narasimha Rao during the 10th Lok Sabha. Again Vajpayee had moved another no-confidence motion against Rao. Rao defeated with a margin of 14 votes. The most intriguing and closest of the no-confidence motions in **1999** when the Vajpayee government lost the no-confidence motion by just 1 vote which led to fall of his government. The last no-confidence was moved in 2003 by Congress leader Sonia Gandhi against the Vajpayee-led NDA government. In **July 2008**, it was a trust vote after CPM led Left Front; withdrew support from the Manmohan Singh Govt. over the Indo-U.S. Deal but the Govt. proved its majority.

❖ **Constitutional Perspective:**

The Indian constitution does not mention no-confidence, however **Article 75** specifies that the Council of Ministers shall be collectively responsible to the House of the People. The implication of this Article is that the majority of Lok Sabha MPs must not be against the prime minister and his cabinet. Additionally, **Article 118** of the constitution permits both houses of Parliament to make its own rules for its functioning. Lok Sabha's Rule 198 mentions the procedure for a motion of no-confidence. So a no-confidence motion can only be passed in Lok Sabha as **Rule 198** allows any member of the House to give a written notice. Once a notice is given, the speaker reads it in the House and asks those who are in favour of it. In case there are 50 MPs in favour, a date for discussing the motion is assigned. If at all during the debate and the eventual vote, which has to take place within 10 days of the notice, majority of the members vote in favour of the motion then the motion is passed and the government in power has to vacate the office.

Let us now discuss why the recent no-confidence motion took place. There were three no-confidence motions which were introduced by the *Telugu Desam Party (TDP) and YSR* which decided to withdraw support from the Bharatiya Janata Party-led National Democratic Alliance coalition, the TDP and YSR Congress hence moved a no-confidence motion against the central government. This was the first no-confidence motion faced by the PM Narendra Modi-led NDA government. The only reason the motion was brought in is the 2019 Lok Sabha elections. The Opposition parties were using the motion to show that they indeed stand united. Overall growth in all sectors, farmer friendly schemes, timely withdrawal of the BJP from its alliance with the PDP in Jammu and Kashmir, GDP growth, and

acceptance of the BJP by Muslims and Christians forced the Congress to create an artificial need to show that the government has lost the confidence of the House. The main reason behind the motion was that TDP demanded a special status for the state of Andhra Pradesh that the central govt. had refused and hence this was the reason. Basically the BJP has a clear majority and also Shivsena and other allied parties have remained intact. It is said that the government doesn't fear the numbers; but all it fears is basically the debate; the reason being that it's not any stated topic which is discussed; but any MP can raise any question. And after 4 years this is the first time that an incident like this has happened with this govt. Also there are various issues that could be raised such as the PNB scam, Cauvery issue, sealing drive, etc. A no-confidence motion is all about to see what the govt. has done and what not; it's all about accountability. The TDP and YSR Congress have always been strong allies of BJP but there is certain discontent amongst them. The TDP has four demands: they want to have a special status, when the capital of Amravati State would be created then the expense of the land acquisition would also be a lot and also they demand special railway zones; and centre has invested hardly 1/6th of the amount. Hence, this motion. And the allies of BJP also don't seem happy which we saw during the U.P. elections.

The Parliament is all about dialogue. It is the first and foremost duty of the Govt. to assure that the parliament functions properly. The parties should only approach the opposition and discuss important issues. There is a lot of money which is spent on the running of the parliament. And it is accountable to the citizens also at large. The motto of the motion is to pressurize the govt. to take up important issues; but don't know why the AIDMK and other parties don't take up issues such as the Cauvery issue and other reservation issues. When we talk about the recent motion; the BJP has defeated the no-confidence motion and it's a foregone conclusion. When the division was held it was held that the "Yes" for the no-confidence were 126 and the No's were 325. The BJP on its own had 273 members in a house of 535 persons including the speaker. The act of Rahul Gandhi had been the talk of the town as he ended his explosive speech with his hug and the drama didn't end here; but he was also seen winking. Surely this was a mockery at the parliamentary proceedings. The parliamentary decorum entails that a member should seek the chair's permission before rushing towards the chair of the leader of the house, and the convention also demands that the Prime-Minister adequately responds to the issues raised by the members who moved the no-confidence motion. We can only hope that the actual purpose of the motion gets served some day and the Government actually feels accountable towards the citizens and the Parliament becomes a forum to discuss real issues the nation is facing.

